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~~(Extension)~~
(Extension)

Glidden

THE GLIDDEN COMPANY

EPA-OTS



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March 8, 1989

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ATTENTION: CAIR Reporting Extension -

Glidden's Request Dated February 13, 1989

To Whom It May Concern:

On March 8, 1989, The Glidden Company (Glidden) was contacted (via phone) by Ms. Joan Kuchkuda (EPA, Office of Toxic Substances) regarding the above referenced matter. Ms. Kuchkuda informed Mr. H. N. Finkbone that the Agency was denying Glidden's request for a 60-day extension to the current CAIR reporting deadline (see attached copy of Glidden's initial request). Ms. Kuchkuda explained that EPA's rationale for this denial is that EPA extended the reporting deadline by 30 days "across the board" in its February 15, 1989, Federal Register notice (FR 54, No. 30, Wednesday, February 15, 1989, p. 6918-19). Accordingly, EPA is not inclined to grant requests for additional extensions to individual companies.

Glidden appreciates that EPA has chosen to extend the reporting deadlines for all affected parties by 30 days. However, we hope the Agency can appreciate that such an extension is not responsive to any particular company's circumstances as regards any substance-specific reporting obligation.

This letter serves as Glidden's further plea to EPA that our original request be granted. The basis for this request is the same as that articulated in Glidden's original request. However, we wish to emphasize that Glidden is concerned that it cannot adequately respond to this TSCA reporting rule within the time-frame established by EPA, including the already granted 30-day extension. Further, Glidden wishes to direct the Agency's attention to:

1. 40 CFR Part 704.215(b) clearly establishes that our request is within the context of this rule. Quoting - "Persons who cannot submit their reports by the deadline as specified in Part 704.223 may apply for a reasonable extension of time." For reasons previously given (and reasserted herein) Glidden believes its request is "reasonable" and we are concerned that we can not meet the current deadline.



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2. In EPA's response to the National Paints and Coatings Association, dated February 8, 1989 (copy attached), EPA clearly stated that "Companies may request a reasonable extension beyond these new deadlines on a substance by substance basis through the mechanisms set forth in the CAIR." Also, "Failure to comply with the new extension deadlines, or any further extension deadlines granted by EPA to any individual companies, will constitute a violation of section 15(3) of the Toxic Substances Control Act (TSCA), and may subject the violator to the penalties described in TSCA Section 16." (emphasis added).

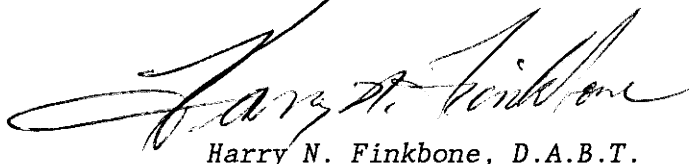
As of this date, Glidden is only aware that it will be required to report regarding its processing of TDI (CAS # 26471-62-5). Thus, our request can be considered as being on a "substance by substance basis."

As before, Glidden appreciates EPA's attention to this request and respectfully implores the Agency to grant Glidden an extension in reporting deadline to July 6, 1989. We look forward to EPA's response and to working with the Agency to best fulfill the purposes and particulars of this rule. Questions and/or your response should be directed to:

Harry N. Finkbone, D.A.B.T.
Manager, Product Safety & Toxicology
The Glidden Company
16651 Sprague Road
Strongsville, OH 44136
Phone: (216) 826-5279

Sincerely,

THE GLIDDEN COMPANY



Harry N. Finkbone, D.A.B.T.

HNF/tab
Attachments
BD7

cc: T. J. Puette - GHB



THE GLIDDEN COMPANY

RESEARCH CENTER

16651 SPRAGUE ROAD • STRONGSVILLE, OHIO 44136 • PHONE (216) 344-8000

February 13, 1989

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401 M Street, S.W.
Washington, D.C. 20460

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ATTENTION: CAIR Reporting Extension

To Whom It May Concern:

The Glidden Company (Glidden) is a major U.S. manufacturer of industrial and consumer paints and coatings. As such, Glidden is affected by the Agency's December 22, 1988, CAIR rule (effective 2/6/89) because we process one or more of the toluene diisocyanate isomers listed in that rule.

Pursuant to 40 C.F.R. Section 704.215(b), this letter serves as Glidden's written request for an extension of time to fulfill its reporting obligations. Specifically, Glidden requests that the Agency grant a 60-day extension, thus amending our reporting deadline to July 6, 1989. Unless Glidden receives written notification to the contrary, we will assume that the requested extension has been granted.

Glidden believes that the requested extension is justified and reasonable because:

- A) While the final rule was published December 22, 1988, copies of the reporting form/instructions were not available to Glidden until approximately February 1, 1989. Accordingly, it was impossible for us to appreciate and communicate the precise details of our reporting obligations.
- B) The December 22, 1988, publication date for this rule coincided with a period of national holidays which most reporting companies recognize. Further, many people schedule vacations around these holidays. Accordingly, the fact that the rule had been published was not well known until the first half of January 1989.
- C) The depth and breadth of EPA's inquiry for TDI is such that many segments of Glidden will of necessity be involved in this reporting activity. This will require the coordination of many diverse Glidden departments composed of responsible Company personnel with other ongoing responsibilities which are not directly related to regulatory compliance. Also, it may be necessary for these persons to recall certain records which may have been moved to permanent storage locations removed from their normal places of business.



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- D) Finally, reporting under CAIR is a new activity to both EPA and the regulated community, including Glidden. Thus, there will undoubtedly be (in fact, already have been) numerous points which will require careful consideration and/or clarification. Glidden believes it will be in the best interests of both EPA and affected reporting parties to ensure that we fulfill the purposes and particulars of this rule to the best of our ability. To do so, we will require more than the 90-day reporting period established in the final rule.

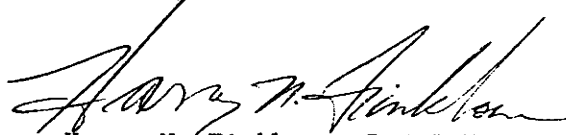
Glidden appreciates the Agency's attention to this request and, as stated above, will assume the extension to have been granted unless notified to the contrary. Questions and/or your response should be directed to:

Mr. Harry N. Finkbone
Manager, Product Safety & Toxicology
The Glidden Company
16651 Sprague Road
Strongsville, OH 44136

Phone: (216) 826-5279

Sincerely,

THE GLIDDEN COMPANY



Harry N. Finkbone, D.A.B.T.
Manager, Product Safety & Toxicology

HNF/tab
BB9

cc: T. J. Puette - GHB
File - TSC# 1007 (a) (CAIR (0206 89))
bcc: B. A. Biles - JDR&P
S. Sides - NPCA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 8 1989

Mr. Stephen R. Sides, CIH
Director, Health and Safety
National Paint and Coatings Association
1500 Rhode Island Avenue, NW.
Washington, DC 20005

OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

Dear Mr. Sides,

The National Paint and Coatings Association (NPCA) submitted a written request, on behalf of NPCA's member companies, for a 60-day extension of either the effective date of the Comprehensive Assessment Information Rule (CAIR) (53 FR 51698, December 22, 1988), or, in the alternative, an extension of all notification and reporting deadlines for the CAIR. The Environmental Protection Agency (EPA or Agency) has evaluated your request, and has reached a decision.

The Agency is granting a 30-day extension for all CAIR notification and reporting deadlines for the 19 substances on the CAIR. Companies may request a reasonable extension beyond these new deadlines on a substance by substance basis through the mechanisms set forth in the CAIR. EPA intends to publish this generic extension of the notification and reporting deadlines in a Federal Register notice that will appear shortly. The deadline extensions are granted in the following manner:

- (1) Submission of a CAIR reporting form by manufacturers, importers, and processors under section 704.223(a) is extended to June 7, 1989;
- (2) Submission of a CAIR reporting form by persons who process a CAIR listed substance under a tradename under section 704.223(b) is extended to July 6, 1989;
- (3) Notification of customers who process a CAIR listed substance under a tradename under section 704.208(a)(3) is extended to April 7, 1989; and
- (4) Submission to EPA of a list of tradenames under which a person distributes a CAIR listed substance under section 704.208(a)(1) is extended to 30 days after the expected publication date of the Federal Register notice announcing these extensions, or March 20, 1989.

Please be advised that the EPA Office of Compliance Monitoring has been notified of the new extension deadlines set forth in this letter and the upcoming Federal Register notice. Failure to comply with the new extension deadlines, or any further extension deadlines granted by EPA to individual companies, will constitute a violation of section 15(3) of the Toxic Substances Control Act (TSCA), and may subject the violator to the penalties described in TSCA section 16.

Should you require additional assistance in complying with the CAIR before the extended deadline, please contact the TSCA Assistance Office at (202) 554-1404.

Sincerely,



Joseph J. Merenda, Director
Existing Chemical Assessment Division